

Congress of the United States
Washington, DC 20515

June 13, 2018

Admiral Paul M. Zukunft
Commandant of the U.S. Coast Guard
2703 Martin Luther King Jr. Ave SE
Washington, DC 20020

Dear Admiral Zukunft:

During the events leading to the withdrawal of the Advanced Notice of Proposed Rulemaking (ANPRM) for Hudson River anchorages, the United States Coast Guard identified certain review and planning procedures it intends to follow in the future. While we remain optimistic that there will not be additional proposals for anchorages in the Hudson, we seek your assurance that procedures identified during the Ports and Waterways Safety Assessment (PAWSA) will be incorporated as official Coast Guard policy.

As you know, the PAWSA study of the Hudson presented no definitive need for the proposed anchorages, but it also left the door open to future such proposals. Like you, we understand that the PAWSA process and federal rulemaking processes should protect not only the public's interest in safety, but also its interests in the environment, economy, aesthetics, public activities and public health. They should also guarantee transparency and meaningful public involvement in the decision-making process.

At the initial PAWSA meetings, many participants raised significant concerns regarding a perceived lack of transparency on the Coast Guard's part with regard to the issuance of the ANPRM, and noted that the absence of a continuing Coast Guard presence on the Hudson has deprived the agency of critical knowledge about the river, its uses, traffic, and environmental concerns. Coast Guard personnel addressed these matters in a professional manner and made certain verbal commitments concerning future Coast Guard activities and procedures. Working with the Pace University Environmental Policy Clinic, we have enumerated those commitments here, along with our requests to you regarding official agency policy in the future:

- **A commitment to conduct early public outreach before another Hudson River anchorage plan is proposed.** We seek your assurance that the Coast Guard will adhere to the procedures in its "Waterways Management (WWM): Anchorage Management Tactics, Techniques and Procedures (TTP)" (CGTTP 3-71.2, July 2015). The process delineated in the WWM for early involvement of stakeholders, port partners, river experts, and interested parties was not executed prior to the June 2016 ANPRM. We believe that much controversy and misunderstanding would have been avoided had the Coast Guard conducted the studies, outreach, public meetings and information sessions the WWM specifies. Additionally, we ask that the Coast Guard conduct a Waterways

Analysis and Management System (WAMS) study for the Hudson River above the George Washington Bridge, as also provided for in the WWM.

- **A commitment to maintain a Harbor Safety Committee for the Hudson River north of the George Washington Bridge.** We are aware that the Coast Guard has already commenced meetings of a Harbor Safety Committee for the Hudson River north of the George Washington Bridge, and we seek your assurance that the Committee will remain a permanent function of the Coast Guard. As it stands, your agency maintains a significant presence in New York Harbor extending to the George Washington Bridge, but very little presence, and therefore little first-hand awareness of conditions, above the George Washington Bridge to Albany, New York. Further, the Hudson River generally suffers from a lack of the substantial federal agency presence that is commonplace on many other major waterways in the nation. The Coast Guard's commendable effort in establishing the Hudson River Harbor Safety Committee is a step toward curing that deficiency.
- **A commitment to conduct an Environmental Impact Statement under the National Environmental Policy Act.** We request your assurance that any future Hudson River anchorage proposal will receive an agency determination as a Major Federal Action subject to the EIS requirements of NEPA. As you are aware from the more than 10,000 public comments submitted in response to the June 2016 ANPRM, concerns regarding that proposal ran the full gamut of issues that would routinely trigger an EIS pursuant to the NEPA statute, rules and regulations. NEPA affords the best method to measure risk and benefit in a public process governed by requirements of long-established federal law.

The Hudson is a river and estuary of national significance. If there is any benefit to the unfortunate controversy generated by the ANPRM, it is the renewed awareness that concern for the Hudson crosses all segments of society, from local towns and businesses to major environmental organizations to everyday river users. We are appreciative of the Coast Guard response to their concerns following the suspension of the anchorage proposal. We trust you share our desire that future decision-making and rule-making will be conducted in a deliberative, transparent and inclusive fashion. We believe that the commitments we request of you here will help assure that will be the case.

Sincerely,



Sean Patrick Maloney
Member of Congress



Eliot L. Engel
Member of Congress